TRACTS

PUBLISHED AND DISTRIBUTED GRATIS

BY

THE SOCIETY FOR

CONSTITUTIONAL INFORMATION,

WITH A DESIGN

TO CONVEY TO THE MINDS

OF

THE PEOPLE

A KNOWLEDGE OF THEIR RIGHTS;

PRINCIPALLY THOSE OF

REPRESENTATION.

LONDON:

PRINTED BY W. RICHARDSON, N° 403, STRAND.

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SOCIETY

FOR

CONSTITUTIONAL INFORMATION.

THE deſign of this Society is to diffuſe throughout the kingdom, as univerſally as poſſible, a knowledge of the great principles of Conſtitutional Freedom, particularly ſuch as reſpect the election and duration of the repreſentative body. With this view Conſtitutional Tracts, intended for the extenſion of this knowledge, and to communicate it to perſons of all ranks, are printed and diſtributed GRATIS, at the expence of the Society. Eſſays, and extracts from various authors, calculated to promote the ſame deſign, are alſo publiſhed under the direction of the Society, in ſeveral of the News-papers: and it is the wiſh of the Society to extend this knowledge throughout every part of the united kingdoms, and to convince men of all ranks, that it is their intereſt, as well as their duty, to ſupport a free conſtitution, and to maintain and aſſert thoſe common rights, which are eſſential to the dignity, and to the happineſs of human nature.

To procure ſhort parliaments, and a more equal repreſentation of the people, are the primary objects of the attention of this Society, and they wiſh to diſſeminate that knowledge among their

Countrymen, which may lead them to a general ſenſe of the importance of theſe objects, and which may induce them to contend for their rights, as men, and as citizens, with ardour and with firmneſs.

The communication of ſound political knowledge to the people at large muſt be of great national advantage; as nothing but ignorance of their natural rights, or inattention to the conſequence of thoſe rights to their intereſt and happineſs, can induce the majority of the inhabitants of any country to ſubmit to any ſpecies of civil tyranny. Public Freedom is the ſource of national dignity, and of national felicity; and it is the duty of every friend to virtue and mankind to exert himſelf in the promotion of it.

By the laws of the Conſtitutional Society it is unlimited in its numbers. All queſtions in the Society are determined by ballot; and all ballots are taken by the Preſident, or preſiding Member.

Gentlemen deſirous of becoming Members are to be admitted by ballot, and to ſubſcribe from One to Five Guineas per Annum; and thoſe who wiſh to contribute otherwiſe to the ſupport of this Inſtitution, will pleaſe to remit their contributions for this purpoſe to *Edward Bridgen, Eſq. in Pater-noſter Row, London*; ſignifying, that what they order is to be paid into the Hands of the *Treaſurer of the Society for Conſtitutional Information.*

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N. B. Letters of Communication to the Society to be directed to Mr. THOMAS YATES, *Attorney, New Inn, London.*

At a Meeting of the Society for CONSTITUTIONAL INFORMATION, *held at* N° 2, *in New Inn, on Friday the* 15*th day of November* 1782.

Reſolved,

THAT the following Letter from JEREMIAH BATLEY, Eſq. to the Rev. CHRISTOPHER WYVILL, Chairman of the Committee of the Yorkſhire Aſſociation, be entered in the Books of this Society.

SIR, Halifax, April 10th, 1780.

THE great ability and zeal you have ſhewn in your endeavours to promote a redreſs of national grievances, encourage me to hope that you will not be diſpleaſed, if, on this knowledge of your public character, I preſume to ſtate, with deference, a few objections to ſome part of the reſolutions of the meeting at York on the 28th ult.

Actuated by principles ſimilar to your own, I attended the meeting that was held on the 30th of December; and not only ſubſcribed the petition agreed to on that day, but took afterwards a very active part to perſuade others in this neighbourhood to ſign it. This, Sir, I premiſe with a view to preſerve from cenſure the rectitude of my intention, provided theſe opinions ſhould appear to you erroneous.

Had I not been prevented from attending the laſt meeting, I ſhould probably have given my reaſons then for not aſſenting to the propoſition for increaſing the number of Knights of the Shire; a meaſure which ſeems to me to be pregnant with evils that may one day be far greater, and more difficult to correct, than even the preſent ſyſtem of corruption.

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I am aware, Sir, that to the reſpectable public aſſemblies which have lately given a ſanction to this mode of reformation, may be added the great authority of the late Lord Chatham. But, though I venerate the memory of that able and moſt worthy ſtateſman, and highly reſpect the preſent patrons of his idea, I dare not carry my adulation ſo far as to prefer their judgments, when conjoined, to the wiſdom of our anceſtors, verified by the experience of many ages.

Our government is allowed by all who have ſtudied it, to be conſtructed on a plan the moſt excellent; and though this beautiful edifice is certainly much impaired by time, there are, I truſt, no dilapidations that may not be reſtored without altering its conſtruction: a work ſo deſervedly applauded we ought to retouch with all the delicacy and precaution a judicious artiſt would employ to renovate a painting that was once the rival of nature.

On an accurate examination of the Britiſh Legiſlature, it will appear, that the Third Eſtate is compoſed, in its primary condition, of men of various deſcriptions; whoſe occupations and property being very diſſimilar, muſt often render their intereſts diſcordant; and hence it is requiſite for their general ſecurity, that they ſhould, when contracted into a ſmaller body, be repreſented by a diverſity of characters.

The Lords and great Commoners, being large proprietors of land, have one general intereſt; and, as their property is of a permanent nature, this bond of union never changes. The Knights of the Shire are choſen, and for ever will be, increaſe them to what number you pleaſe, out of that body of country gentlemen whoſe intereſts are thus cloſely conjoined with the Peerage.

After the Conqueſt, that great multitude, emphatically called the People, being miſerably oppreſſed by the ſole dominion of real property, to redreſs a grievance ſo diſcouraging to commerce and induſtry, wiſely obtained permiſſion, by ſome means or other, for Cities and Boroughs to ſend Deputies to Parliament. This remarkable event happened in the Reign of Henry the Third; and, as Hume ſuppoſes, aroſe from no better principle than Leiceſter's deſire to acquire popularity. But however that may be, it is certainly true, that the People retained a traditional memory of the happineſs of the nation under ſome of the Saxon princes; and the eſtabliſhment of any thing that bore a reſemblance to their ancient cuſtoms, was a ſure road to popularity; therefore, whether they were reſtored to this partial ſhare of their elective rights from illiberal or generous motives, it equally proves their ſentiments reſpecting it. Hume, who had certainly no prejudices in favour of a popular government, is compelled by the irreſiſtible evidence of hiſtorical facts to declare (vol. ii. fol. 211.) that after the introduction of Deputies from the Boroughs, "The "Houſe of Commons ſoon proved one of the "moſt uſeful, and, in proceſs of time, one of "the moſt powerful members of the national "conſtitution, and gradually reſcued the king-"dom from ariſtocratical, as well as from regal "tyranny." Such, Sir, were the ſalutary effects of the equitable mode of juriſdiction we are trying to alter. It eradicated every relict of ſlavery; and, by encouraging a ſpirit of enterprize in men of all deſcriptions, laid the foundation of the moſt glorious atchievements in learning, commerce, and war!

By a law, repealed only a few years ago, to give efficacy to a bill that a conſtitutional Parliament would render totally ſuperfluous, it was directed, that every perſon choſen to repreſent a county, city, or borough ſhould reſide in it; a ſtrong indication that an external repreſentation had been found a grievance to the People: and it is very probable, that a law ſo well calculated for preſerving the democratical part of the conſtitution would never have been neglected, if the great body of citizens and burghers had really continued to elect their repreſentatives. The city of London, and ſome other independent places, generally adhere to it ſtill, as a voluntary act; and indeed who is ſo proper a guardian of a diſtrict, as he who reſides in it, and ſhares in its wants and conveniencies? This law was made too in the firſt Parliament of that great prince Henry the Fifth (a ſtrong circumſtance in favour of its popularity) and only thirteen years after the depoſal of Richard the Second, againſt whom it was alledged, as one cauſe for depriving him of his regal authority, "That he changed the "Repreſentatives of the People at his pleaſure, "by exacting of the ſheriffs a return of ſuch "perſons as he nominated."

The Barons, being the great proprietors of land, were juſtly conſidered by our anceſtors as the partial guardians of real property; but the Citizens and Burgeſſes in Parliament, they looked upon as the immediate protectors of the merchant and manufacturer, and of that large body of uſeful labourers, whom it was neceſſary to ſtimulate to induſtry by the ſecurity of poſſeſſion.

Since an external influence has crept into cities and boroughs, their beneficial operation, we muſt allow,

allow, has been greatly obſtructed: but yet, venal as they are, it is through them, principally, that the commercial part of the kingdom is now repreſented; and though in political queſtions thoſe members too often run with an improper bias, yet on many important occaſions, not connected with party, they act with great judgment; and procure parliamentary attention to the intereſt of trade in general.

But we are miſtaken if we ſuppoſe, that the Crown alone miſleads the Repreſentatives of theſe corrupt corporations. The unconſtitutional power that landed property has got there is the moſt general cauſe of their proſtitution; and ſo long as we continue to affix the idea of repreſentation to property, and not to perſons, we may expect to ſee them, alternately, the pernicious inſtruments of a factious party, and the baſe tools of miniſterial delinquency. But though their preſent depravity is a very good reaſon for endeavouring to amend them, the occaſion of it by no means conveys a favourable idea of a project that is calculated to enlarge the power of thoſe who have been their ſeducers.

It certainly merits our particular attention, that boroughs, with which we are now ſo greatly offended, had, after many ſevere ſtruggles for liberty, their privileges revived under the wiſeſt and beſt of our princes; and is it not a dangerous experiment to deſtroy a barrier, erected, on ſuch authority, expreſsly for the purpoſe of defending the people againſt arbitrary power?

To admit tradeſmen and artizans, independent of property, to a certain ſhare in the legiſlature, was conformable both to juſtice and ſound policy, and beneficial, in the event, even to the ariſtocratic

cratic body it was meant to reſtrain. For, under the auſpices of univerſal freedom, riches flowed into the kingdom, deſerts were cultivated, the conveniencies of life multiplied, and benevolence obtained the ſupreme ſatisfaction of ſeeing every uſeful citizen either enjoy, or reaſonably hope to enjoy, a comfortable independence as a recompence for his labour or ingenuity!—That theſe advantages have reſulted from this general participation of power, cannot be denied, notwithſtanding there was a vice in its conſtruction, which gave it a progreſſive tendency to that ſtate of depravity to which, alas! it is now arrived.

There is no truth leſs problematical than that tyranny will, ſooner or later, characterize every ſtate that is governed by men of one deſcription. Be they numerous or few, nobles or plebeians, churchmen or ſoldiers, their plan will be oppreſſion; and though it would be their real intereſt to act otherwiſe, experience ſhews that it is far more difficult to regain liberty in a government that is ariſtocratic, than to force a monarch to relinquiſh his unjuſt prerogatives.

But I foreſee it will be alledged, that as the preſent county members are, in general, the leaſt corrupt of our ſenators, it is not candid to inſinuate a ſuſpicion of defection in public ſpirit, when their numbers ſhall be increaſed.—To their comparative merit I willingly ſubſcribe: but yet I muſt declare that liberty, in my opinion, is poorly ſecured, when it depends on what is ſo precarious and changeable as the perſonal characters of men. To give ſtability to freedom, we muſt make it apparent, from the well-poiſed, and impartial conſtruction of the government, that under all circumſtances and changes of fortune, it is every

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honeſt man's individual intereſt to promote the general welfare of the community: for, if by an injudicious diſtribution of power, we ſeparate, in appearance only, public and private utility, many, I fear, will be deaf to the friendly admonitions of reaſon and virtue.

Beſides, as boroughs, in their preſent ſtate of degeneracy, are the eaſieſt prey of ſeduction, miniſters have chiefly addreſſed their allurements to that quarter: but I doubt we ſhall be grievouſly diſappointed, if we infer from this, that the ſyſtem of corruption will vaniſh when our burgeſſes ſhall be diſplaced, or rendered inſignificant, by an addition of county repreſentatives. The ſervants of the crown will ſoon diſcover, where the power of granting ſupplies is really veſted, and will ſtudy the gratification of that intereſt in their future plans for raiſing them; and hold forth every temptation that will be likely to procure its ſupport. Government would be fettered in all its projects if it acted otherwiſe: though probably after a while the crown would be tired of this ſervility, and the people of their bondage; and to free themſelves from it, an artful monarch might, perhaps, perſuade them, irritated by the oppreſſion of petty tyrants, to ſurrender into his hands thoſe rights that were become uſeleſs, and like Denmark and Sweden, to veſt in him that dreadful ſcourge, and diſgrace of human nature, deſpotic power!

This alarming cataſtrophe, I am ſenſible, would not arrive in our time. But, were the propoſed augmentation of Knights of the Shire to be adopted, we ſhould certainly ſoon find the moſt important branch of the legiſlature dependent upon the Peers, and great Commoners. Even in the

County

County of York, a very few of that rank, in ſtrict union, might preſcribe a liſt of candidates, whoſe Intereſts being joined to thoſe of their leaders, and ſubſcriptions entered into to ſupport their nomination, an unconnected body of independent gentlemen and little freeholders could not ſucceſsfully oppoſe; and in many leſs extenſive counties, perhaps three or four great men, thus acting in concert with thoſe whom they patronized, would be irreſiſtible. No individual could be expected to oppoſe ſuch powerful combinations; and were contending parties to be formed, as might ſometimes be the caſe, the whole kingdom, at a general election, would exhibit a ſcene of intemperance, riot, and unextinguiſhable enmity!

That the evil I apprehend from partial repreſentation, is not the romantic viſion of too refined a theory, will appear from the following extract from Dr. Sullivan's Lectures on the Laws and Conſtitution of England. His facts were collected, as his ingenious editor has ſhewn, from good authorities, and they furniſh a poſitive proof that the very inconveniencies, I apprehend, did actually exiſt, when the great proprietors of land were the only aſſociates of regal power in governing this kingdom.

In his twenty-ſecond lecture, fol. 210, he ſays, "Next to the gentry or military order in eſtima-
"tion among the northern nations ſtood the citi-
"zens and burghers, that is, the trading part of
"the nation, whether merchants or artificers.
"Theſe were for ſome ages held in a very low
"light, none of the conquerors or their deſcen-
"dants applying themſelves to ſuch occupations.
"They were indeed, at firſt, allowed certain pri-
"vileges,

" vileges, and enjoyed their own laws, under " the inſpection of magiſtrates appointed by the " King, known by the name of *Præpoſiti*, pro- " voſts, or ſome other equivalent title. But theſe " liberties did not laſt long. The turbulent " temper of the times, the frequent competitions " for the throne, and the many rebellions of the " great Lords, occaſioned the towns and their " inhabitants to be taken in war, one after ano- " ther; and the perſons ſo taken, were, by the " prevailing *jus gentium* of theſe ages, reduced " to ſervitude; not however to a condition ſo " low as the villeins, who were properly the " ſlaves of thoſe people, and had no property but " at the will of their Lords. However it is, no " ſtate, except one abſolutely barbarous, could " ſubſiſt without artizans; and as commerce is " the parent of wealth, and as neither it, nor " arts, could thrive where property is not in ſome " ſort ſecure, the Lords were, in ſome degree, " by their own intereſt, obliged to relinquiſh to " theſe people the ſeizing of their goods at plea- " ſure, as they practiſed towards their villeins, " and to leave them at liberty to make regula- " tions among themſelves for the benefit of trade.

" Thus far, then, they were free, but their " ſervitude conſiſted in their being liable to taxes " or taillages at the will of the Lords, who, if " they were wiſe, laid on ſuch only as they could " well bear; but miſerable was their condition, " when they fell into the hands of one who was " needy and rapacious; for then they were often " fleeced, even to ruin and depopulation. This " induced the wiſer Lords who ſaw the conſe- " quences, and how much the arbitrary exertion " of ſuch powers muſt, in the end, hurt them-

" ſelves, to reſtrain their own powers; and, by " degrees, by granting them charters to emanci- " pate them. They formed them into bodies " corporate, confirmed the right of making bye- " laws, which had been permitted them, and " granted them other privileges or franchiſes as " they called them, from their being infranchi- " ſed, in derogation to former regal or ſeignoral " rights. But for their total freedom they were " indebted to parliament, which, ſeeing the bad " uſe King John made of his right in this kind, " provided thus in Magna Charta. *Civitas Lon-* " *don habeat omnes libertates ſuas antiquas, et con-* " *ſuetudines ſuas. Præterea volumus et concedemus,* " *quod omnes aliæ civitates, burgi et villæ, et Ba-* " *rones de quinque portubus, et omnes alii portus,* " *habeant omnes libertates et liberas conſuetudines* " *ſuas.* And another chapter reſtrains the King " from laying new and evil tolls, and confines " him to the ancient cuſtoms.

" Hitherto, however, the citizens and bur- " geſſes were no part of the body politic, and " were not repreſented in parliament. But as " with their ſecurity their wealth and conſequence " increaſed, about or before the year 1300, they " were admitted to that privilege; that they " might, in conjunction with the Knights of " Shires, *be a check on the overgrown power of* " *the mighty Lords.*"

But to ſuffer the great proprietors of land to enjoy a diſproportioned influence in the legiſla- ture was not only oppreſſive to the people, but an impediment to the orderly execution of the laws; and very frequently excited the moſt dan- gerous inſurrections.

Sir

Sir Robert Cotton (*Cottoni Poſthuma*, fol. 347.) ſpeaking of what Glanvile calls, *Magnum et commune concilium coram Rege et Magnatibus ſuis*, ſays, " As this great court or councell conſiſting of " the King and Barons, ruled the great affairs of " ſtate, and controulled all inferior courts, ſo " were there certain officers, whoſe tranſcendent " power ſeemed to be ſet to bound in the execu- " tion of princes wills; as the ſteward, conſta- " ble, and marſhall, fixed upon families in fee " for many ages: they, as tribunes of the peo- " ple, or Ephori amongſt the Athenians, grown " by an unmannerly carriage fearful to monar- " chy, fell at the feet and mercy of the King, " when the daring Earl of Leiceſter was ſlain at " Eveſham. This chance, and the dear expe- " rience Henry the Third himſelf had made at " the parliament at Oxford, in the fortieth year " of his reign, and the memory of the many " ſtreights his father was driven unto, eſpeci- " ally at Runny Mead, near Stanes, brought this " King wiſely to begin what his ſucceſſors for- " tunately finiſhed, in leſſening the ſtrength and " power of his great Lords: and this was wrought " by ſearching into the regality they had uſurped " over their peculiar ſovereigns (whereby they " were, as the book at St. Alban's termeth them, " *Quot Domini tot tyranni) and by weakening that* " *hand of power which they carried in the Parlia-* " *ments, by commanding the ſervice of many Knights,* " *Citizens, and Burgeſſes to that great councell.* " Now began the frequent ſending of writs to " the Commons, their aſſents not only uſed in " money, charge and making laws (for before " all ordinances paſſed by the King and Peers) " but their conſent in judgments of all natures,

" whether civil or criminal." And, as if he foreſaw that there would one day be a project propoſed ſimilar to that which is now in agitation, he adds, at the concluſion of this diſcourſe, concerning the power of the Peers, the following important reflection. " *And how conveniently it* " *ſuits with monarchy to maintain this form, leſt* " *others of that well-framed body, knit under one* " *head, ſhould ſwell too great and monſtruous, it* " *may be eaſily thought. For monarchy again may* " *ſooner groan under the weight of an ariſtocracy, as* " *it once did, than under a democracy, which it* " *never yet either felt or feared.*"

It muſt however be confeſſed, that after theſe reflections were made, a kind of democratic republic aroſe out of the ruins of the monarchy; but that example is ſo far from being adverſe to his doctrine, that it is an expreſs confirmation of it: for it was found to be a mode of Government incompatible with the laws and cuſtoms of this country, and the joint efforts of the greateſt characters, both civil and military, could not give it a durable exiſtence.

But although the new republic was not able to ſupport itſelf againſt the ancient, and much more perfect form of regal government, its temporary eſtabliſhment impreſſed on ſome minds a needleſs terror of the popular part of the conſtitution; and under the influence of this apprehenſion, the legiſlature has, ever ſince, been contracting the rights of the people in favour of an ariſtocracy. It was this timid ſpirit that framed the acts for triennial and ſeptennial parliaments; for the qualification of members, and a multitude of others repugnant to univerſal liberty: and though innumerable evils have ariſen from this dangerous

mode

mode of redreſſing a few trivial, and frequently only imaginary inconveniences, we ſtill, I fear, continue to follow the ſame line, without perceiving that its obliquity leads us further from the rectitude we have been hitherto vainly labouring to attain.

There is a prevailing opinion, but a very erroneous one, that our intereſt in the preſervation of the conſtitution is proportioned to the property we poſſeſs. The reverſe is, perhaps, the truth: for the wealthy have a protector in their riches, that will often ſhelter them from oppreſſion in the worſt of governments; but what friendly mediator have the indigent to ſtand between them and perſonal ſlavery? For, notwithſtanding all men, by the law of nature, have a right to liberty, it is a felicity almoſt peculiar to the inhabitants of the Britiſh empire to enjoy an undoubted claim to a political government, that muſt, neceſſarily, extend its protection to the loweſt order of citizens.

Univerſal repreſentation is the diſtinguiſhing excellence of our unrivalled conſtitution. By recurring to it, our anceſtors, long lectured in the ſchool of adverſity, were freed from the vileſt ſervitude; and ſhall we, under a falſe idea of improvement, and in contempt of all preceding examples, aboliſh their wiſe inſtitutions, and revive a power they were invented to curb, becauſe it was found to be turbulent and fatal to liberty?

Beſides, Sir, what occaſion is there for ſo hazardous an innovation? Does not the form of that government remain under which we have obtained the moſt envied proſperity? And is it not as practicable to repair the parts that are decayed, as to ſupply new ones?

But,

But, partial as I am to theſe ancient uſages, it muſt be acknowledged they were defective in not providing better for their exiſtence in that uncorrupted ſtate, requiſite to give them ſufficient efficacy. To ſupply this defect, and to reſtore the people to their natural and conſtitutional right of electing their Repreſentatives for what term *they alone ſhall think proper*, ſeem the grand objects to which our political zeal ſhould be directed.

It is ſurely repugnant to reaſon to ſuppoſe that repreſentatives created by the people, only for the purpoſe of expreſſing their ſentiments more commodiouſly, have a right to preſcribe the term for which they ſhall chuſe them. Neither can it be maintained, that by an union with the King, and Upper Houſe of Parliament, they may acquire ſuch an extraordinary power, as both reaſon and law abſolutely preclude theſe from interfering in elections. The truth is, that every reſtraint in the exerciſe of the right of election, impoſed on the people by the legiſlature, is an act of uſurpation in every branch of it; and when theſe evils ſhall be redreſſed, I hope it will be done by a declaratory repeal of thoſe reſtraining acts as illegal, that the rights of the people may ſtand on the firm and unalterable baſis of the conſtitution, and not on the mutable foundation of Acts of Parliament.

The ſubject of a reform has of late been minutely diſcuſſed by ſome of the moſt ingenious and illuſtrious characters in the kingdom; and it would be preſumptuous to recommend a plan, as fit for execution, without an accurate examination of what they have publiſhed. But as my object at preſent is not ſo extenſive, I will only mention, in a curſory way, what appears to me

no

no ineligible mode of making our boroughs once more uſeful to the public.

In cities and boroughs reſtore all houſe-holders to the right of election: ſuffer no election to be valid, if the place contain not as many real voters as may be reaſonably deemed ſufficient to ſecure independence. The number ſhould be ample for the purpoſe; and where the place cannot ſupply them, one or more neighbouring *towns* (not pariſhes) might be united with the ancient borough until there were enow. There would be no occaſion to limit the increaſe of electors, nor to take any care that they do not exceed the number preſcribed as the loweſt that can act: but it ſhould be ſtrictly enjoined, that whenever any place, whether regulated before or not, ſhall have fewer voters than the law requires, the privilege of election ſhall be extended to yet another *town*, in like manner as was practiſed on the firſt occaſion. Where it can be made convenient, it would not, I think, be unreaſonable for the old borough to retain the honour and advantage of being the ſeat of election.

This, Sir, I am ſenſible is a very imperfect ſketch of ſo important a regulation. But I meant only to give a few out-lines, and to leave it to more able artiſts to finiſh the deſign. If inclination be not wanting, I ſee no inſuperable difficulty in the execution of it. There will, undoubtedly, be many diſcordant intereſts to reconcile; but where private property ſhall be really affected, the public will not repine to make a reaſonable compenſation; and if the pernicious privileges claimed by individuals be not criminal uſurpations, I would give a liberal indemnification for aboliſhing them.

Without

Without troubling you further on the ſubject, I will now, Sir, intreat your pardon for this intruſion. Being called upon to ſupport the preſent aſſociation, an apology became neceſſary for appearing to relax in a purſuit ſo laudable as the redreſs of thoſe grievances, you deſcribed with ſo much energy in your petition to Parliament.

Before I conclude, permit me to add one obſervation, and to recommend the application of it to your plan. A petition may be reſpectable that is only ſigned by a few; but an aſſociation is of no validity unleſs numbers aſſent to it; and as every one ſhould be deſired to be a party, ſo every one ought to have an intereſt in ſupporting it.

I have the honour to ſubſcribe myſelf with the greateſt reſpect,

SIR,

Your moſt obedient humble ſervant,

JER. BATLEY.

PRINTED AND DISTRIBUTED GRATIS BY THE SOCIETY FOR CONSTITUTIONAL INFORMATION.

At a Meeting held on Friday the 15th day of November 1782.

Reſolved,

THAT the following Extract from "A POLI-"TICAL CATECHISM, by the Rev. Robert "Robinſon," be entered in the Books of this Society.

"P. WHEN we ſpeak of adminiſtration, George, we ſpeak of what *is*; but when we ſpeak of repreſentation, we ſpeak of what *ought to be*.

G. Why ſo, Sir?

P. Becauſe adminiſtration, you ſee, is in effect the king's prerogative, and we would not ſeem to want reſpect for that branch of government, the executive power.

G. But repreſentation being the people's birthright, is more immediately our own province. Is that your meaning, Sir?

P. Exactly.

G. Are you repreſented in parliament, Sir?

P. No.

G. Then your family, conſiſting of more than twenty of us, is not repreſented?

P. No; our parliamentary repreſentation is not a repreſentation of perſons, but of property.

G. Is your property repreſented, Sir?

P. No. My eſtates are copyhold, and leaſehold, and perſonal eſtate. I have no freehold.

G. It is not all property, then, that is repreſented?

P. No; it is property of that peculiar tenure, which we call freehold.

G. How many freeholders are there in this pariſh?

P. About four.

G. Yet this pariſh conſiſts of ſome hundreds.

P. Yes; and I, who am not repreſented, was obliged to give old Sam the taylor, who botches for the labourers, who is repreſented, ſome pieces of wood to prop up his crazy freehold cottage, or elſe Sam's cottage would not have been repreſented.

G. You ſaid you were ſpeaking of what *ought to be.*

P. Excuſe me for ſpeaking firſt of what ought *not* to be.

G. You think repreſentation then, Sir, imperfect?

P. Extremely ſo; and I think I ſee *four* imperfections in what we call parliamentary repreſentation, in the nature, the ſubject, the mode, and the end. Theſe are not conſtitutional imperfections, but accidental ones; the being of which probably originated not in deſign and depravity, but in a train of events. I will explain myſelf.

G. What do you mean, Sir, by the *nature* of repreſentation?

P. The properties of it.

G. What ought theſe to be?

P. Repreſentation is a human creation, and was intended to be, and therefore ought to be, an exact balance to the prerogatives of the other branches of the legiſlature, for by this balance the liberties of the people are preſerved from encroachment.

G. It ought then to have dignity, power, revenue, and influence, that ſo, having the ſame

pre-

prerogatives as the crown, and in the ſame degree, it may be a counterpoiſe.

P. Exactly ſo. Accordingly the *dignity* of parliament, as an aggregate body, is preſerved by an aſcription of properties and perfections, as independence, incorruption, fidelity, magnanimity, and ſo on. The *power* of parliament is that of making laws. In regard to *revenue*, all ſupplies are raiſed by them; and in reſpect to *influence*, it will always be proportional to the benefits which the people derive from their repreſentatives.

G. You allowed yeſterday, that the properties aſcribed to the executive power, could not be found in any mortal. Are not the properties aſcribed to the legiſlative power of the ſame kind, mere ſuppoſitions of law?

P. By no means. The properties aſcribed to the perſon are, ſtrictly ſpeaking, found in the executive power. Executive power has ubiquity, for it is every where acting at the ſame time; beſieging a town in the army, deſtroying an enemy's fleet at ſea in the navy, guarding the trade in a convoy, or the coaſts in a militia, diſtributing juſtice in courts of law, collecting cuſtoms in the ports, exciſe in warehouſes, receiving and paying, rewarding and puniſhing at the ſame moment. Now as all this is the king's buſineſs, and as he executes it by deputation, we ſay he hath ubiquity; and ſo of the reſt.

G. His majeſty then has this property in proxy?

P. Yes; but as our repreſentatives are themſelves proxies for us, they cannot vote by proxy, and herein they differ from lords of parliament, who ſit there in their own right, and who there-

fore can vote by proxy. And further, as they cannot delegate any to act in their ſtead, ſo it is impoſſible they ſhould poſſeſs any perfections, except ſuch as are perſonal. Theſe are in ſome degree in each individual, and in a high degree in the collective body, and theſe I call the nature of repreſentation.

G. You ſaid *independence* was one property of parliament.

P. It is an eſſential property interwoven in the conſtitution, and it implies the abſence of all undue influence of every kind. Neither the crown, by means of the army, or the officers of ſome branches of the revenue, nor the peers, by means of lords of parliament, or lords lieutenants of counties, may interfere. No, nor may the candidates themſelves uſe any bribery or corrupt influence under heavy penalties.

G. You ſaid *incorruption* was another property.

P. Yes, for a man may go uninfluenced into the houſe, and become corruptible by ſtrong temptations there: in ſuch a caſe, he would ceaſe to be *faithful* to the truſt repoſed in him by the people, and of courſe would lay aſide all that elevation of ſoul, which we call *magnanimity*, and would ſink from the nobleſt of all creatures, an object of public confidence, to the deſpicable ſtate of a miniſter's tool.

G. Have not our legiſlators claimed theſe excellent properties, and paſſed many laws to ſecure them?

P. They have: but it is confeſſed, all means have been found inadequate.

G. Who can help it?

P. Not

P. Not they who are ſo infatuated as not to ſee it, nor they who are ſo intereſted as to deny it, nor they who ſpend life in declaiming againſt human depravity.

G. Who then?

P. Such as underſtand the Lord's Prayer, *lead us not into temptation.*

G. How do you mean, Sir?

P. Why I mean, that if human frailty is ſo great, it ought not to be put to ſuch ſevere trials as endanger the virtue and felicity of a perſon, a family, a county, a kingdom, a world; for a Britiſh parliament may affect all theſe.

G. So you would keep men virtuous, by putting it out of their power to be vicious.

P. What can you do with them?

G. But is this poſſible?

P. Every thing that ought to be is poſſible. How much money do you think was ſpent at our laſt election?

G. It was reported above a hundred thouſand pounds.

P. Well, let us ſuppoſe only a hundred thouſand pounds. Upon whom was this ſpent?

G. Upon freehold electors. Old Sam was drunk for a week.

P. Would not annual parliaments and equal repreſentation put it abſolutely out of the power of the whole world to deſtroy the independence of parliament?

G. It ſhould ſeem ſo: at leaſt it is worth trying. But have we a RIGHT to theſe?

P. We have both a natural and conſtitutional right to theſe. Septennial parliaments are of late date, triennial are not much older, and it was no longer

longer ago than the reign of Henry VI. that the people at large were deprived of this right, and the qualification of electors for knights of the ſhire, determined, to be the owning of a freehold of the value of forty ſhillings a year, which by the way was then equivalent to twenty pounds of preſent value. As to boroughs, we ſay nothing of them under this article, they do not deſerve it.

G. You ſpoke of the *ſubject* of repreſentation, Sir.

P. Yes, I aſk *what* is repreſented? What ought to be repreſented?

G. The people undoubtedly.

P. Not dead houſes and lands?

G. No: Bona fide, the people themſelves.

P. What! all the people?

G. If all the people have lives, liberties, and properties, all the people have a natural right to chooſe the guardians of them.

P. They have alſo a conſtitutional one.

G. Would not this endanger property, by putting the poor on a level with the rich?

P. Neither property nor perſon ought to be endangered: but if one muſt ſuffer, better damage property than perſon; however, this is no queſtion here, for the danger of both lies elſewhere, I mean in undue influence, not in the numbers of electors or elected. Keep repreſentation pure and uninfluenced, and all things are ſafe.

G. But is ſuch an election practicable?

P. As eaſy as the election of a coroner, or a ſheriff in the city.

G. What fault do you find, Sir, with the *mode* of repreſentation?

P. The

P. The eſtabliſhment of the forementioned qualification having changed the ſubject of repreſentation from perſon to property, you would ſuppoſe property was equally repreſented.

G. Certainly I ſhould; whatever is repreſented ought to be equally repreſented."

THOMAS YATES, Sec.

At a Meeting held on Friday the 6th day of December 1782.

Reſolved,

THAT the following Extract from LORD BOLINGBROKE'S DISSERTATION ON PARTIES be entered in the Books of this Society.

" SUBMISSION will be as grievous, and reſiſtance much more difficult, when the legiſlature betrays its truſt, than when the king alone abuſes his power. This ſets before us, in a very ſtrong light, the neceſſity of uſing our utmoſt efforts that the true deſign of our Conſtitution may be purſued as cloſely as poſſible by the reeſtabliſhment of Annual or at leaſt of Triennial Parliaments. But the importance of the matter, and the particular ſeaſonableneſs of the conjuncture, invite me to offer one conſideration more upon this head, which I think will not ſtrike the leſs for being obvious and plain. It is this. Should a King obtain, for many years at once, the ſupplies and powers, which uſed to be granted annually to him; this would be deemed, I preſume, even in the preſent age, an unjuſtifiable meaſure, and an intolerable grievance, for this plain reaſon; becauſe

becauſe it would alter our Conſtitution in the fundamental article, that requires frequent Aſſemblies of the whole Legiſlature, in order to aſſiſt, and controul too, the Executive Power, which is intruſted with one part of it. Now I aſk, is not the article, which requires frequent Elections of the Repreſentatives by the collective body of the People, in order to ſecure the latter againſt the ill conſequence of the poſſible weakneſs, or corruption of the former, as fundamental an article, and as eſſential to the preſervation of our Liberties as the other? No man dares ſay that it is not; at leaſt no man who deſerves our attention. The People of Britain have as good a right, and their right as neceſſary to be aſſerted, to keep their Repreſentatives true to the truſt repoſed in them, and to the preſervation of the Conſtitution, by the controul and frequent elections, as they have to keep their Kings true to the truſt repoſed in them, and to the preſervation of the Conſtitution, by the controul of frequent ſittings of Parliament. How comes it then to paſs, that we may obſerve ſo great a difference in the ſentiments of mankind, about theſe two caſes? Propoſe the firſt, there is no ſervile friend of Government, who will not affect all that horror at the propoſition which every friend of the Conſtitution will really feel. Propoſe the keeping up ſeptennial, nay the making decennial Parliaments, the ſame friends of Government will contend ſtrenuouſly for one, and by conſequence for both; ſince there can be no reaſon alledged for the firſt, which is not ſtronger for the laſt, and would not be ſtill ſtronger for a longer term. Theſe reaſons, drawn from two or three common-place topics of pretended conve-

niency

niency and expediency, or of ſuppoſed tranquillity at home, and ſtrength abroad, I need not mention. They have been mentioned by others, and ſufficiently refuted. But that which may very juſtly appear marvellous, is this, that ſome men, I think not many, who are true friends of the Conſtitution, have been ſtaggered in their opinions, and almoſt ſeduced by the falſe reaſonings of theſe friends of Government; though nothing can be more eaſy than to ſhew, from reaſon and experience, that conveniency, expediency, and domeſtic tranquillity, may be, and in fact have been as well, nay better ſecured, under triennial, nay annual Parliaments, than under Parliaments of a longer continuance; and as for ſtrength abroad (that is, national credit and influence) it will depend on the opinion foreign nations have of our national diſpoſitions, and the unanimity of our ſentiments. It muſt be chiefly determined therefore by their knowledge of the real ſenſe of the nation. Now that can appear no way ſo much as in the natural ſtate of our Conſtitution, by frequent elections; and when it does appear ſo, it muſt have another kind of effect than the bare reſolutions of a ſtale, miniſterial Parliament; eſpecially if it happens, as it may happen in ſome future time, that the ſenſe of the nation ſhould appear to be different from the ſenſe of ſuch a Parliament, and that the reſolutions of ſuch a Parliament ſhould be avowedly dictated by men, odious and hated, contemptible and contemned, both at home and abroad. But in the ſuppoſition that ſome inconveniences may ariſe by frequent elections (which is only allowed for argument's ſake) are ſuch inconveniences, and the trifling

conſequences of them, to be ſet in the balance againſt the danger of weakening any one barrier of our liberty? Let me aſk, how comes it to paſs that we obſerve ſo great a difference between the ſentiments and reaſonings of mankind about frequent ſeſſions of Parliament and frequent Parliaments?—The only manner in which I can account for ſuch an inconſiſtency, is this; the ſight of the mind differs very much from the ſight of the body, and its operations are frequently the reverſe of the other. Objects at a diſtance appear to the former in their true magnitude, and diminiſh as they are brought nearer. The event, that created much aſtoniſhment, indignation, or terror in the proſpect, creates leſs and leſs, as it approaches, and by the time it happens, men have familiarized themſelves with it. If the Romans had been told, in the days of Auguſtus, that an Emperor would ſucceed, in whoſe reign a horſe ſhould be made conſul, they would have been extremely ſurprized. I believe they were not ſo much ſurprized, when the thing happened; when the horſe was Conſul, and Caligula Emperor. If it had been foretold to thoſe patriots at the Revolution, who remembered long Parliaments, who ſtill felt the ſmart of them, who ſtruggled hard for annual, and obtained with much difficulty, at the end of five or ſix years, triennial Parliaments, that a time would come, when even the term of triennial Parliaments would be deemed too ſhort, and a Parliament choſen for three years, would chuſe itſelf for four more, and entail Septennial Parliaments on the nation; that this would happen, and the fruits of their honeſt labours be loſt, in little more than twenty years; and that it would

be

be brought about, whilſt our Government continued on the foundations they had then ſo newly laid: if all this had been foretold at the time I mention, it would have appeared improbable and monſtrous to the friends of the Revolution. Yet it hath happened; and, in leſs than twenty years, it is grown, or is growing, familiar to us. The uniform zeal and complaiſance of our Parliaments for the Crown, leave little room to apprehend any attempt to govern without them; or to make them do in one Seſſion the work of ſeven; though this would be extremely convenient, no doubt a great eaſe to future Miniſters, and a great ſaving of expence and time to Country Gentlemen. But ſuppoſe (for I deſire it may be remembered that I reaſon hypothetically) a Parliament ſhould think fit to give, in the firſt ſeſſion, all the money, all the credit, and all the powers neceſſary for carrying on the government during ſeven years; and then let thoſe perſons, who will be ſhocked at this ſuppoſition, and yet declare themſelves for Septennial Parliaments, lay their hands on their hearts, and conſider whether ſuch an alteration of the Conſtitution might not grow familiar to them, and even gain their approbation. I think it would do ſo. I am ſure it might as reaſonably as the other. They would find the eaſe, in one caſe, of little attendance, as much as that of diſtant Elections, in the other. The arguments of conveniency, expediency, public tranquillity, and ſtrength to the government, would be juſt as well applied; and if the Miniſters ſhould, by miracle, make no very exorbitant ill uſe of ſuch a ſituation, I doubt whether he, who ſhould plead for Annual Parlia-

ments then, would be much better heard by the ſame perſons than he, who pleads for frequent elections of Parliaments, is now. But let not the lovers of Liberty, the friends of the Conſtitution, reaſon in this manner. Let them remember, that danger commences when the breach is made, not when the attack is begun; that he, who neglects to ſtop the leak, as ſoon as it is diſcovered, in hopes to ſave his ſhip by pumping, when the water guſhes in by violence, deſerves to be drowned; and, to lay aſide figures of ſpeech, that our Conſtitution is not, like the ſchemes of ſome politicians, a jumble of disjointed, incoherent whimſies, but a noble and wiſe ſyſtem, the eſſential parts of which are ſo proportioned, and ſo intimately connected, that a change in one begets a change in the whole; that the frequent elections of Parliament are as much an eſſential part of this ſyſtem, as the frequent ſittings of Parliament; that the work of the Revolution is imperfect therefore, and our future ſecurity precarious, unleſs our antient Conſtitution be reſtored, in this eſſential part."

THOMAS YATES, Sec.

At a Meeting held on Friday the 13th day of December 1782.

Reſolved,

THAT the following Extracts from AN ESSAY ON THE FIRST PRINCIPLES OF GOVERNMENT, by DR. PRIESTLEY, be entered in the Books of this Society.

"WITH reſpect to this nation, it ſeems to be agreed, that Septennial Parliaments have brought

brought our liberties into very imminent hazard, and that Triennial, if not Annual Parliaments, would be better. Indeed Septennial Parliaments were at firſt a direct uſurpation of the Rights of the People: for, by the ſame authority that one Parliament prolonged their own power to ſeven years, they might have continued it to twice ſeven, or, like the Parliament in 1641, have made it perpetual. The bulk of the People never ſee the moſt obvious tendencies of things, or ſo flagrant a violation of the Conſtitution would never have been ſuffered.

Political and Civil Liberty have many things in common, which, indeed, is the reaſon why they have been ſo often confounded. A ſenſe, both of Political and Civil Slavery, makes a man think meanly of himſelf. The feeling of his inſignificance debaſes his mind, checks every great and enterpriſing ſentiment, and, in fact, renders him that poor abject creature, which he fancies himſelf to be. Having always ſome unknown evil to fear, though it ſhould never come, he has no perfect enjoyment of himſelf, or of any of the bleſſings of life; and thus, his ſentiments and his enjoyments being of a lower kind, the man ſinks nearer to the ſtate of the brute creation.

On the other hand, a ſenſe of Political and Civil Liberty, though there ſhould be no great occaſion to exert it in the courſe of a man's life, gives him a conſtant feeling of his own power and importance; and is the foundation of his indulging a free, bold, and manly turn of thinking, unreſtrained by the moſt diſtant ideas of controul. Being free from all fear, he has the moſt perfect enjoyment of himſelf, and of all the

the bleſſings of life; and his ſentiments and enjoyments being raiſed, his very *being* is exalted, and the man makes nearer approaches to ſuperior natures."

THOMAS YATES, Sec.

At a Meeting held on Friday, January 10, 1783.

Reſolved,

THAT the following Extract from AN ESSAY ON THE ORIGIN AND PROGRESS OF GOVERNMENT be entered in the Books of this Society.

" A CERTAIN ſet of politicians have lately arrogated to thoſe of the higher rank in their faction, the title of the King's friends: impertinently, and almoſt treaſonably inſinuating, that his Majeſty has no other friends than themſelves, and their followers of the lower order, who are contented with the title of Supporters of Government.

With regard to the King's friends, as they are undoubtedly incapable of being influenced, by any obſervations of mine, I juſt hint at the Italian wiſe proverb, *Iddio mi guardi da miei amici!* God keep his Majeſty from his friends; and this brave and loyal nation will, under providence, guard him from his enemies.

But I ſolicit the attention of thoſe who have adopted the leſs diſreſpectful appellation to his Majeſty, and his ſubjects, that of *Supporters of Government.* Government muſt be ſupported in their

their cry; and to which none will refuſe to join their aſſenting voice as a general propoſition, or, indeed, axiom; and as few, methinks, ſhould applaud the novelty and ingenuity of the diſcovery.

The ſeeming innocence and ſafety of this notion or principle, has ſeduced many timid, well-meaning, but ill-informed men, into the ſupport of that faction, purely in favour of Government, as they themſelves aſſert. But if thoſe worthy men, thus ſeduced by a phraſe, ſhould once perceive, that by Government this faction means, every meaſure or wiſh of our governors or miniſtry, right or wrong, fooliſhly or inſidiouſly pernicious, they will turn from their ſeducers with abhorrence, and not continue to act as if they held all miniſters to be, by inheritance, infallible, and impeccable.

This principle, or pretence of ſupporting Government indiſcriminately, tends, moſt perniciouſly, to throw an odium upon thoſe brave and active ſpirits, who, in all ages and countries, and with ſucceſs in England, have attempted to defend the rights of mankind from the dragon of royalty, and the hydra of ariſtocracy.

Whoever ſupports, inſtead of joining in the attack on a bad Adminiſtration, is not worthy of living under a good one: he is, if not a traiterous, at beſt a cowardly ſoldier, who deſerts his poſt, or halts before the face of the enemy. If Adminiſtration, or Government, is good and wiſe, ſupport it, that it may continue good; if bad, oppoſe it legally and conſtitutionally, leſt it become very bad; if its folly or wickedneſs becomes enormous, let the ſupporters of Government, and

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profeſſors of univerſal loyalty to Miniſters, ſupport it, if they can.

Let princes who wiſh to be abſolute, or to govern by any other Conſtitution than the Engliſh, reflect that within the laſt twenty-five years, an Emperor of Ruſſia was murdered; three Kings, thoſe of France, Portugal, and Poland, were wounded by aſſaſſins; that the Kings of Spain and Denmark have ſeen the guards and their palaces attacked; and a Queen of Denmark—Let them reflect and tremble.

However, it muſt be allowed, that in an abſolute monarchy, by ſtrict attention to the words and actions of all the ſubjects, by the employment of domeſtic ſpies and other ungenerous means, and cruſhing oppoſition in embrio by a ſtanding army, internal tranquillity is, in general, well preſerved, which is the great boaſted advantage of this form of government. But as advantages have ſome drawback, greater often than the original advantage propoſed; it may be poſſible in time, that theſe troops, the brilliant bawbles and favourite playthings, the puppet-ſhews of grown princes, may, with a knowledge of their own ſtrength, acquire an inclination to make uſe of it, and rend their kingdom in pieces; or, like the Prætorian guards, and their ſucceſſors the Janiſſaries, ſet the Empire at ſale.

The happineſs of the ſubject depends not only on the perſonal character of the abſolute monarch, but on that of his favourites of both ſexes, and is affected by the paſſions of the favourites of favourites, in regular gradation *ad infinitum*.

Abſolute monarchy is, in fact, a dominion of favourites, and if ſtolen in upon us, honour and reward

reward will be the price of flattery; and ſafety no where be found, for any rank, but in ſlaviſh ſubmiſſion to that above it. *Quot ſuperiores tot tyranni, quot inferiores tot ſervi.* Privileges and exemptions defeat the energy of the few good laws; and he who doubts and heſitates oppoſition, is thruſt into a dungeon, and may continue there till death, being abſolutely forgotten; or for a time beyond all proportion to the offence, and indeed without any offence at all.

I will tranſcribe an inſtance of this from the hiſtory of the Baſtile, lately given to the world by that true friend to mankind, Mr. Howard,

"The Jeſuits being honoured with the preſence of Louis the 14th, at a play acted by their ſcholars; the next morning they changed the inſcription *Collegium Societati Jeſus*, into *Collegium Ludovici magni*, the King having, as he went out, ſaid, *This is my college.* A young ſcholar of quality poſted up theſe verſes on the college gate:

Abſtulit hinc Jeſum, poſuitque inſignia Regis
Impia Gens, alium non colit illa Deum.

The author, aged thirteen, was, as a matter of favour, it is ſaid, condemned to perpetual impriſonment; but in 1705, having been a priſoner one-and-thirty years, and becoming the heir of his family, was let out of the Baſtile, not without giving the Jeſuits extenſive proofs of his gratitude. Thus an offence, which in England would defy the pedant's rod, in France was puniſhed with perpetual impriſonment."

I have ſelected the above anecdote for the particular uſe of ſome tall boys, not double the age of the unfortunate ſufferer, who have diſcovered,

as they ſay, that the Engliſh Conſtitution is not good enough for them, nor fit for any other gentlemen. They do not meet, it ſeems, with the reſpect they wiſh for, from the ſturdy peaſant or humorous mechanic. Firſt let them prove that they deſerve any reſpect at all, and that they have ſhewn any to law, religion, decency, wiſdom, or common ſenſe; till when, let them do us the honour, to continue as inſenſible of the excellence of the Engliſh Government and Conſtitution, as of their duty to God and man.

The King does and ought in his wiſdom, not caprice, to appoint not only his own attendants, but alſo the ſervants of the public, the great officers of ſtate; yet as they are volunteers, if they undertake a taſk for which they are diſqualified by ignorance, perverſeneſs, profligacy, or cowardice, they are rightly puniſhed for their raſh attempt, and for their impoſition upon their ſovereign, who, if wiſe, will readily leave them to the puniſhment they merit. By the ſtatute of Rhudland, made in the reign of Edward the Firſt, even the ſheriff of a county's firſt charge was, to enquire after the ſeducers of the King and kingdom, the Queen, her children, and their accomplices. So well known to the Conſtitution, and ſo early, was the animadverſion of the public, upon the moſt pernicious of human beings, flattering miniſters, and favourites without merit.

THOMAS YATES, Sec.

PRINTED AND DISTRIBUTED GRATIS BY THE SOCIETY FOR CONSTITUTIONAL INFORMATION.

THE CONSTITUTION OF *ENGLAND*,

Deduced by Analogy from its Firſt Principles.

WITH

Seaſonable Applications of thoſe Principles

TO THE

GOVERNMENT AND NATION.

ADDRESSED TO THE SOCIETY FOR CONSTITUTIONAL INFORMATION.

By the Rev. THOMAS NORTHCOTE,
Chaplain in the Royal Artillery.

THE CONSTITUTION OF ENGLAND,

ALL truths do not admit of demonſtration, but they may be rendered ſatisfactory and concluſive to the mind by analogical inveſtigation, or the plain deductions of common ſenſe. It is as ſelf-evident a truth, that the firſt law, and great end of government is the *ſalus populi*, as that the whole is greater than a part. If therefore, reaſoning *à priori* upon this propoſition, it may evidently be made to appear that the *ſalus populi* cannot conſiſt with abſolute Monarchy, whoſe principle is fear, and its firſt object, dominion—That Republicaniſm wants both the dignity and diſpatch neceſſary to this great end—And that Ariſtocracies are always conſpiracies againſt the people, it might very fairly be concluded, that our Conſtitution alone boaſts the great ſanction and authority of the *ſuprema lex*, the firſt law of government. But I mean a higher ſpeculation upon untrodden ground, to prove it not only ſuperior in its nature, but ſacred in its origin. In order to which, I lay it down as my firſt axiom, that the more perfect and excellent nature, or principle, is ordained to rule the leſs perfect. The Supreme Being, becauſe infinitely perfect, is the ſovereign ruler of all intelligent natures. Man, becauſe more perfect than Brutes, governs, under Providence, the inferior orders of creatures in this world. And, from the ſame prin-

principle, the moſt excellent faculty of mankind, their reaſon, is appointed to give law to their other powers and faculties—So, in ſtates, a legiſlature, conſtituted by the wiſdom of the community, muſt rule the public will, or executive power, for the ſame reaſon as in individuals, becauſe the will not being formed to direct, but to act under the direction of a more excellent faculty, cannot command the intellectual powers, without ſubverting the order of nature.——It follows, as another ſelf-evident principle, that the civil government is the moſt perfect that has the neareſt reſemblance to the Wiſdom of the Creator in the natural government of individuals of the ſame ſpecies. It is almoſt obvious to the ſlighteſt reflection, that a perfect analogy ſubſiſts between the principle and ſtructure of the Engliſh Conſtitution, and the frame of our nature and government as men, and moral agents. This admirable ſyſtem has been the ſubject of general and deſerved eulogy, from its ſimplicity and beauty; but as far as my recollection goes, it has always been conſidered as the work of human invention, whereas upon compariſon, it will appear to be a perfect tranſcript of the original law of our nature.

Reaſon, will, and conſcience, the three ruling powers of the man, are, in every human boſom, legiſlature, ſovereign, and judicature; as theſe, in the ſtate, are reciprocally the public reaſon, will, and conſcience. From hence the perfection of this inſtitution, which follows the exact model of the Creator, in ruling nations, as he hath ordained every man ſhould be ruled. In the ſtate of nature men live under the ſole dominion of

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Providence, by the exerciſe of their own reaſon and will. But when ſocieties are formed, it is neceſſary that a community of intereſts ſhould have one common reaſon to appeal to, called Laws, the reſult of their joint wiſdom and conſent; and one common will, guarding and executing thoſe laws, by a public conſcience, or tribunal of juſtice. Paſſions, affections, and appetites are common to both, as incentives to action; but theſe being partial, and often turbulent and unruly, as the will, or executive power, that commands them is blind and headſtrong, nature in one caſe and law in the other ordains, that this high and imperious power ſhould be controuled by reaſon and juſtice, both in the man and the ſtate. And accordingly we find the crown is controuled by one houſe of parliament in its uſe of the public property, which is the life-blood of the community; and by the other it is controuled, as a court of appeal, from the ordinary deciſions of law and equity, which may be under its influence. But above all, it is limited by the natural rights of the people, by conſtitutional compacts, and the paramount law of the land, to which we are ſubject, as being equally the law of God to the nation, as reaſon to the individual in a ſtate of nature.

Without entering more minutely into the compariſon, which might give it a trifling, rather than a ſerious and important air, many uſeful obſervations and leſſons may be drawn from this analogy, both by the government and the people.

We may learn firſt, that truth, reaſon, and virtue are the leading powers in men and governments; and that both are degenerate from their

nature

nature and end, when they receive the law from any other power. We learn further, that men are free when they follow reaſon, ſlaves when they obey the blind dictates of *their own will*; how much more of any other? And, as in the individual, ſo in ſtates, when the reaſon of the ſtate, that is, its uncorrupt legiſlature, leads the government, the people are free. But if the executive power, ſubverting the order of nature, preſume to be its own counſellor and miniſter, the ſubject is then enſlaved, becauſe not acting under the direction of the public reaſon and judgment, it is no longer the public will, but that of a preſumptuous deſpot. And if the reaſon and virtue of the nation can be ſo far ſeduced and corrupted by the executive power as to reſign their authority and truſt, and give their ſanction to the uſurpations of the crown, the depravity of ſuch a people is as low as it can ſink. It is inſanity in the extreme; and, whether in the community or individuals, qualifies both for fetters and a dark room.

The will in the individual, ſeduced by the paſſions, may fly in the face of reaſon and conſcience, and force the members and powers of the body into the execution of its arbitrary reſolves; but when this is carried to an extreme, the tyrant's abuſe of his own reaſon is commonly puniſhed by that of other men with a priſon or a mad-houſe; the propereſt places for uſurping powers that inſult their ſuperiors, and trample on that natural order and legal juſtice which alone conſtitute good government. And this hath ſometimes been the caſe with the public will, when by playing the tyrant beyond

beyond the patience of the people, they have been rouzed to ſelf-defence, and retaliation. And it may be farther obſerved, that, with regard to the purpoſes of government, there is but little difference to a nation betwixt inſanity and imbecility; unleſs it be, that inſanity is a ſufficient ground of deprivation; whereas perſevering folly may be ſuffered to go ſuch lengths in infatuation and miſchief as no frenzy could equal, for want of that uniformity in error which has ever diſtinguiſhed half-witted royalty, and rendered it, as hiſtory abundantly records, the greateſt ſcourge of nations. There it will appear, in the darkeſt pages of human calamity, how many public dangers firſt courted, in the wantonneſs of folly, have at laſt been embraced in the rage of deſpair. How many mighty empires have been devoted to deſtruction, becauſe kings were too proud to be wiſe, and miniſters too corrupt to be honeſt!—In ſuch a ſtate of oppreſſed nature, and inſulted humanity, why ſleeps the vengeance of the people! ſince the monſters, who feel no reſtraints from the laws of reaſon and juſtice, are unworthy to preſide over ſuch laws: nor can the deſtroyers of mankind, who bring diſgrace and ruin upon kingdoms, be conſidered as their guardians and protectors.

If this be not a chimerical, but a true ſtatement of the principles of our conſtitution and government, we may learn further from it, the groſs error we have fallen into by endeavouring to reduce the colonies to the foot of power, without the concurrence of their own reaſon, or legiſlature, which, with reſpect to them, were its only legal controul. The Crown of England,

as I have ſhewn, is the public will and authority of the kingdom deputed to a chief magiſtrate, under the ſole reſtraint of the deliberative powers of the reſpective governments over which it preſides. Being the ruling power, it has, in behalf of the mother country, given charters, or powers of ſelf-government, to the colonies, according to the terms and conditions of their ſeveral agreements; leaving ſacred what could not be taken from them, their prior natural rights of liberty and property, and the conſtitutional powers of guarding them by laws of their own framing, and taxes of their own impoſing, as far as conſiſtent with the expreſs covenants in their charters. To the aſſemblies of their provinces, the rights and the property of America were confided; and the executive power received ſupplies in behalf of the crown from the free grant of the people's repreſentatives. To ſuppoſe this could be done for them in England without uſurpation and tyranny is the groſſeſt abſurdity. For the end of legiſlation is to direct and controul power; and it is evident America could have no controul over the crown, or will of England, by the ſole reaſon or legiſlature of England. She would, on the contrary, have been left to a government of power only, unreſtrained by any legiſlature, but one whoſe intereſt would have ſurrendered her at diſcretion to the arbitrary ravages of corrupt and deſpotic miniſters. It is the eſſence of liberty and our conſtitution, for the people to controul the crown; for the reaſon and deliberation of the ſtate to give law to its power. This principle could not be diſpenſed with in America, without a direct violation of natural juſtice, law, compact,

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and conſtitutional rights; nor indeed could any ſubject above the condition of vaſſalage be baſe enough to ſubmit to it. It betrayed therefore extreme ignorance of the conſtitution, or extreme inſolence of office, even under the ſyſtem of Bute and North, to refuſe the humble petitions of our fellow-ſubjects, in order to bring them to the foot of power by unconditional, that is, *paſſive obedience*. And the nefarious gang of ſlaves who dared to threaten the continent of America, peopled with Britons, in ſuch opprobrious terms, ought long ſince to have expiated the treaſon and the injury to both countries at the block. But, alas! the patriots, who were to impeach the traitors, had made parliament itſelf acceſſory to the treaſon, by declaring an unlimited right to bind chartered colonies and free-born ſubjects. So that the honour, the juſtice, and the injuries of the nation are doomed to ſleep for ever over the black enormities of that daring conſpiracy, which, with an impunity as aſtoniſhing as the guilt, have loſt America, while they laviſhed the beſt blood and treaſure of England to enſlave her own offspring.

By this ſimple rule, founded in nature and common ſenſe, if we ſquare the principles and meaſures of government, we ſhall diſcover at once the degree of its rectitude, or obliquity to the nature of man, the conſtitution of England, and the moral government of the Creator, who hath unalterably ordained, as the firſt law both to civil governments and to individuals, that the will ſhould obey reaſon, and power be ſubſervient to law. And, conſequently, that princes in free nations are no longer to be intruſted as the public

will, than they follow the public reaſon; much leſs when they preſume to dictate to the great council of the nation, or to corrupt its integrity to ſupport the arbitrary counſels of ambition. Kings love the power, but not the public reaſon and virtue that muſt guide and controul it. It is therefore the great concern of the whole community to ſee that they go together; ſince it is this only that can conſtitute lawful ſovereignty; and tyranny, or anarchy, is the ſure conſequence of their ſeparation. When the Houſe of Commons, inſtead of ſpeaking faithfully and fully the ſenſe of the nation, corruptly echoes back the voice of the crown, or the chiefs of a faction, the people are betrayed by their own ſervants, bought with their own money, enſlaved by their own power, wickedly and traitorouſly divorced from the public counſels and authority, by which only it can lawfully and conſtitutionally act. By this touchſtone of government, and unerring law of power, we may alſo form a true eſtimate of the different parties in the ſtate, and the opinions by which they are diſtinguiſhed. The Tory is the blind votary of the crown. He flies directly in the face of nature and reaſon, by making his idol the leading as well as the efficient power of the ſtate. He would annihilate the natural will of the ſubject by paſſive obedience, in order to give a divine right of deſpotiſm to a deputed public will. This doctrine deſtroys at once the very idea of a civil conſtitution, which implies law and compact, mutual obligation, and reciprocal intereſt as its only ſanction. If theſe can not be diſpenſed with, or at leaſt the appearance of them, this party makes no ſcruple of bribing

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Parliament to acquieſce in the treaſon. And a government of corruption is a declaration that the crown neither does, nor means to govern according to the ſenſe, will, or intereſt of the people, but by its own pleaſure, and for its own ends.—Modern Whigs are not quite ſo arbitrary; they would not utterly ſilence the public reaſon, and ſubdue it totally to the tyrant will. They would have it ſpeak once in ſeven years at leaſt, to ſupport appearances for the government, and preſerve the name of the conſtitution; but they by no means wiſh it to ſpeak too freely, or too often, leſt they ſhould loſe their own importance in ſpeaking for it. They are profeſſed enemies to deſpotic government, that is, a government by the will only; yet they are generally avowed enemies to equal repreſentation and annual parliaments, which alone could give it effectual controul by ſpeaking the ſenſe and will of the public more frequently and fully. A free kingdom, that ſuffers its mouth to be ſtopped for ſeven years, and then only ſpeaks by a few intereſted voices, contrary to the truth, and the public judgment and feelings, may as well be dumb for ever. And the pretended friends of the people who would ſubſtitute their own hackney'd oratory for the public voice, may call themſelves by what name they pleaſe, they are all equally enemies to the natural and conſtitutional rights of their country. It is the popular party only, who wiſh to reſtore and perfect the conſtitution, that appear to have a juſt ſenſe of its excellence, of the dignity of human nature, and the majeſty of the great community. They know, that neither liberty

berty nor law depends upon the will of the chief magiſtrate, who is in no ſenſe a ſovereign in the ſtate, but as entruſted with and faithfully executing the public will, of which the people are the ſole judges; formally, by their deputies in parliament, if repreſented, but ultimately, by their own more ſolemn deciſions, when they become neceſſary. For although great kings, when they attempt to make ſlaves, may loſe ſubjects, and ſacrifice fertile provinces to barren prerogative, they can make no change in the moral reaſon and nature of things, whoſe immutable laws decree, that the government of all reaſonable beings muſt be founded in truth and juſtice; and that all arbitrary dominion is no leſs treaſon againſt the God of nature than the rights of mankind.

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